

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHIRLEY L. PHELPS-ROPER,

Plaintiff,

V.

JOHN/JANE DOE(S), in Their Official
Capacities, PETE RICKETTS, In his
Capacity as Governor of the State of
Nebraska, DOUG PETERSON, In His
Capacity as Attorney General of the
State of Nebraska, and TODD
SCHMADERER,

Defendants.

4:09CV3268

ORDER

On August 17, 2015, Richard Hedrick, pro se, filed a Motion to Intervene ([filing 318](#)) in this case. The Motion will be denied as untimely.

A request to intervene must be done on timely motion. [Fed. R. Civ. P. 24](#). The timeliness of a motion to intervene is assessed by “considering all the circumstances of the case.” [U.S. v. Union Elec. Co., 64 F.3d 1152, 1159-60 \(8th Cir. 1995\)](#). When evaluating timeliness, a court should consider “(1) the extent the litigation has progressed at the time of the motion to intervene; (2) the prospective intervenor’s knowledge of the litigation; (3) the reason for the delay in seeking intervention; and (4) whether the delay in seeking intervention may prejudice the existing parties.” [Planned Parenthood of the Heartland v. Heineman, 664 F.3d 716, 718 \(8th Cir. 2011\)](#).

This case was filed in December, 2009. Trial has been held, and a post-trial brief has been submitted. Allowing Hedrick to intervene at this time would clearly prejudice the existing parties. Hedrick has offered no reason for his delay in seeking to intervene.

Accordingly,

IT IS ORDERED the Motion to Intervene ([filing 318](#)) is denied. The Clerk of Court shall mail a copy of this Order to Richard Hedrick at his address of record.

DATED August 19, 2015.

BY THE COURT:

**S/ F.A. Gossett
United States Magistrate Judge**